

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

MARY CATHERINE SAVAT,

**ORDER FOR
EVIDENTIARY HEARING**

Debtor(s).

BKY 04-30023

IT IS ORDERED:

1. This matter is set for evidentiary hearing on confirmation of chapter 13 plan and objection to chapter 13 plan by Essieleanera Roberts in Courtroom No. 228A United States Courthouse, 316 North Robert Street, St. Paul, Minnesota on **SEPTEMBER 7, 2004 at 9:30 a.m.**

2. On or before August 27, 2004, all parties are expected to confer and enter into stipulations as to the following:

- a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
- b) Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any.
- c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel shall exchange copies of each exhibit intended to be introduced and relied upon at the hearing. The exhibits shall be pre-marked as required in paragraph 4(d) of this Order.

3. No later than five (5) days prior to the hearing, the parties shall prepare, serve and file the following:

- a) The stipulations regarding admissibility of exhibits and depositions;
- b) The stipulation of facts which are not disputed.
- c) A final witness list containing the names, addresses and brief summary of the testimony of each witness the party will call. A person not listed on this list may not testify during the party's case-in-chief;

- d) A final exhibit list containing a description of all exhibits to be offered at the hearing. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers.

The plaintiff shall identify the plaintiff's exhibits with numbers as follows:

Plaintiff's Exhibit 1
Plaintiff's Exhibit 2
etc.

The defendant shall identify the defendant's exhibits with letters as follows:

Defendant's Exhibit A
Defendant's Exhibit B
etc.

If there is more than one plaintiff or defendant, then the parties shall confer so as to avoid duplication of exhibit identification;

- e) A list of depositions to be offered at the hearing;
- f) A brief containing a complete chronology of the party's version of the facts and a complete statement of the law on which the party relies.
- g) Proposed Findings of Fact and Conclusions of Law.

4. At the time that an exhibit is offered at the hearing, the ORIGINAL plus THREE COPIES of the pre-marked exhibits shall be provided to the Court, with a copy being made available to the court recorder operator for the use of the court.

5. Upon settlement, each party has an independent obligation and shall notify the calendar clerk, within 24 hours after a settlement agreement has been reached. Unless the Court orders otherwise, the settlement documents shall be filed within ten (10) days after oral notice of the settlement.

6. The dates fixed in this order are mandatory. Deadlines shall not be extended except on motion and for good cause.

7. Failure to timely comply with this order may result in the imposition of sanctions under Bankruptcy Rule 7016 and Fed. R. Civ. P. 16(f).

8. Fed. R. Civ.P. 26(a)(1), (a)(2), (a)(3) and (f) do not apply in this proceeding.

Dated: June 30, 2004

/s/ Dennis D. O'Brien
United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on <u>6/30/04</u> Patrick G. De Wane, Clerk By <u>NAB</u>
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Nancy A. Brill, hereby certify:

That I am the Calendar Clerk for Chief Judge Dennis D. O'Brien, of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on true and correct copies of the annexed:

ORDER FOR EVIDENTIARY HEARING

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415

JASMINE Z KELLER
12 S 6TH ST STE 326
MINNEAPOLIS MN 55402

MARGARET H CULP
12 S 6TH ST STE 326
MINNEAPOLIS MN 55402

DAVID L SHULMAN
SHULMAN & DORNBOS PLLP
1005 W FRANKLIN AVE STE 3
MINNEAPOLIS MN 55405

CHRISTOPHER M MCCULLOUGH
GRAY PLAN MOOTY MOOTY BENNET
80 S 8TH ST STE 500
MINNEAPOLIS MN 55402

MARY CATHERINE SAVAT
4295 AMBER DR
EAGAN MN 55122

and this certificate was made by me.

/e/ Nancy A. Brill
Deputy Clerk